



Senate

General Assembly

File No. 4

February Session, 2018

Substitute Senate Bill No. 102

Senate, March 12, 2018

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist. and SEN. MINER of the 30th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MINOR REVISIONS TO ENVIRONMENTAL PROTECTION AND AGRICULTURE-RELATED STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 23-53 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The Governor on behalf of this state is authorized to enter into a
4 compact, substantially in the following form, with any one or more of
5 the states of Maine, Massachusetts, New Hampshire, New York,
6 Rhode Island and Vermont and with such other states of the United
7 States or provinces of the Dominion of Canada as may legally join
8 therein:

9 NORTHEASTERN INTERSTATE FOREST FIRE PROTECTION
10 COMPACT

11 ARTICLE I

21 ARTICLE II

37 ARTICLE III

2

45 interstate cooperation cannot constitutionally designate the said
46 member, such legislator shall be designated by the governor thereof;
47 provided that if it is constitutionally impossible to appoint a legislator
48 as a commissioner from such state, the second member shall be
49 appointed by the governor of said state in his discretion. The third
50 member shall be a person designated by the governor as the
51 responsible representative of the governor. In the event that any
52 province of the Dominion of Canada shall become a member of this
53 commission, it shall designate three members who will approximate
54 this pattern of representation to the extent possible under the law and
55 practices of such province. This commission shall be a body corporate
56 with the powers and duties set forth herein.

57 ARTICLE IV

58 It shall be the duty of the commission to make inquiry and ascertain
59 from time to time such methods, practices, circumstances and
60 conditions as may be disclosed for bringing about the prevention and
61 control of forest fires in the area comprising the member states, to
62 coordinate the forest fire plans and the work of the appropriate
63 agencies of the member states and to facilitate the rendering of aid by
64 the member states to each other in fighting forest fires.

65 The commission shall formulate and, in accordance with need, from
66 time to time, revise a regional forest fire plan for the entire region
67 covered by the compact which shall serve as a common forest fire plan
68 for that area.

69 The commission shall, more than one month prior to any regular
70 meeting of the legislature in any signatory state, present to the
71 governor and to the legislature of the state its recommendations
72 relating to enactments to be made by the legislature of that state in
73 furthering the interests and purposes of this compact.

74 The commission shall consult with and advise the appropriate
75 administrative agencies of the states party hereto with regard to
76 problems connected with the prevention and control of forest fires and

78 The commission shall have power to recommend to the signatory
79 states any and all measures that will effectuate the prevention and
80 control of forest fires.

Any two or more member states may designate the Northeastern Forest Fire Protection Commission as a joint agency to maintain such common services as those states deem desirable for the prevention and control of forest fires. Except in those cases where all member states join in such designation for common services, the representatives of any group of such designating states in the Northeastern Forest Fire Protection Commission shall constitute a separate section of such commission for the performance of the common service or services so designated provided that, if any additional expense is involved, the state so acting shall appropriate the necessary funds for this purpose. The creation of such a section as a joint agency shall not affect the privileges, powers, responsibilities or duties of the states participating therein as embodied in the other articles of this compact.

96 The commission may request the United States Forest Service to act
97 as the primary research and coordinating agency of the Northeastern
98 Forest Fire Protection Commission, in cooperation with the
99 appropriate agencies in each state and the United States Forest Service
100 may accept the initial responsibility in preparing and presenting to the
101 commission its recommendations with respect to the regional fire plan.
102 Representatives of the United States Forest Service may attend
103 meetings of the commission and of groups of member states.

105 The commission shall annually elect from its members a chairman
106 and a vice-chairman. The commission shall appoint such officers or
107 employees as may be required to carry the provisions of this compact

108 into effect, shall fix and determine their duties, qualifications and
109 compensation, and may at its pleasure, remove or discharge any such
110 officer or employee. The commission shall adopt rules and regulations
111 for the conduct of its business. It may establish and maintain one or
112 more offices for the transaction of its business and may meet at any
113 time or place but must meet at least once a year.

114 A majority of the members of the commission representing a
115 majority of the signatory states shall constitute a quorum for the
116 transaction of its general business, but no action of the commission
117 imposing any obligation on any signatory state shall be binding unless
118 a majority of the members from such signatory state shall have voted
119 in favor thereof. For the purpose of conducting its general business,
120 voting shall be by state units.

121 The representatives of any two or more member states, upon notice
122 to the chairman as to the time and purpose of the meeting, may meet
123 as a section for the discussion of problems common to those states.

124 Sections established by groups of member states shall have the same
125 powers with respect to officers, employees and the maintenance of
126 offices as are granted by this article to the commission. Sections may
127 adopt such rules, regulations and procedures as may be necessary for
128 the conduct of their business.

129 ARTICLE VIII

130 It shall be the duty of each member state to formulate and put in
131 effect a forest fire plan for that state and to take such measures as may
132 be recommended by the commission to integrate such forest fire plan
133 with regional forest fire plan.

134 Whenever the state forest fire control agency of a member state
135 requests aid from the state forest fire control agency of any other
136 member state in combatting, controlling or preventing forest fires, it
137 shall be the duty of the state forest fire control agency of that state to
138 render all possible aid to the requesting agency which is consonant

139 with the maintenance of protection at home.

140 Each signatory state agrees to render aid to the Forest Service or
141 other agencies of the government of the United States in combatting,
142 controlling or preventing forest fires in areas under their jurisdiction
143 located within the member state or a contiguous member state.

144 ARTICLE IX

145 Whenever the forces of any member state are rendering outside aid
146 pursuant to the request of another member state under this compact,
147 the employees of such state shall, under the direction of the officers of
148 the state to which they are rendering aid, have the same powers
149 (except the power of arrest), duties, rights, privileges and immunities
150 as comparable employees of the state to which they are rendering aid.

151 No member state or its officers or employees rendering outside aid
152 pursuant to this compact shall be liable on account of any act or
153 omission on the part of such forces while so engaged, or on account of
154 the maintenance or use of any equipment or supplies in connection
155 therewith.

156 All liability that may arise either under the laws of the requesting
157 state or under the laws of the aiding state or under the laws of a third
158 state on account of or in connection with a request for aid, shall be
159 assumed and borne by the requesting state.

160 Any member state rendering outside aid pursuant to this compact
161 shall be reimbursed by the member state receiving such aid for any
162 loss or damage to, or expense incurred in the operation of any
163 equipment answering a request for aid, and for the cost of all
164 materials, transportation, wages, salaries, and maintenance of
165 employees and equipment incurred in connection with such request.
166 Provided, that nothing herein contained shall prevent any assisting
167 member state from assuming such loss, damage, expense or other cost
168 or from loaning such equipment or from donating such services to the
169 receiving member state without charge or cost.

170 Each member state shall provide for the payment of compensation
171 and death benefits to injured employees and the representatives of
172 deceased employees in case employees sustain injuries or are killed
173 while rendering outside aid pursuant to this compact, in the same
174 manner and on the same terms as if the injury or death were sustained
175 within such state.

176 For the purposes of this compact the term employee shall include
177 any volunteer or auxiliary legally included within the forest fire
178 fighting forces of the aiding state under the laws thereof.

179 The commission shall formulate procedures for claims and
180 reimbursement under the provisions of this article.

181 Aid by a member state to an area subject to federal jurisdiction
182 beyond the borders of such state shall not be required under this
183 compact unless substantially the same provisions of this article relative
184 to powers, liabilities, losses and expenses in connection with such aid
185 are embodied in federal laws.

186 The provisions of this article that relate to the rendering of outside
187 aid in combating, controlling or preventing forest fires shall be
188 applicable to the provision of such aid by any state that is party to this
189 compact to any other state that is party to a regional forest fire
190 protection compact in another region provided the legislature of such
191 other state assents to the outside aid provisions of this compact.

192 ARTICLE X

193 When appropriations for the support of this commission or for the
194 support of common services maintained by the commission or a
195 section thereof under the provisions of article V are necessary, the
196 commission or a section thereof shall allocate the costs among the
197 states affected with consideration of the amounts of forested land in
198 those states that will receive protection from the service to be rendered
199 and the extent of the forest fire problem involved in each state, and
200 shall submit its recommendations accordingly to the legislatures of the

201 affected states.

202 The commission shall submit to the governor of each state, at such
203 time as he may request, a budget of its estimated expenditures for such
204 period as may be required by the laws of such state for presentation to
205 the legislature thereof.

206 The commission shall keep accurate books of account, showing in
207 full its receipts and disbursements, and said books of account shall be
208 open at any reasonable time to the inspection of such representatives
209 of the respective signatory states as may be duly constituted for that
210 purpose.

211 On or before the first day of December of each year, the commission
212 shall submit to the respective governors of the signatory states a full
213 and complete report of its activities for the preceding year.

214 ARTICLE XI

215 The representatives from any member state may appoint and
216 consult with an advisory committee composed of persons interested in
217 forest fire protection.

218 The commission may appoint and consult with an advisory
219 committee of representatives of all affected groups, private and
220 governmental.

221 ARTICLE XII

222 The commission may accept any and all donations, gifts and grants
223 of money, equipment, supplies, materials and services from the federal
224 or any local government, or any agency thereof and from any person,
225 firm or corporation, for any of its purposes and functions under this
226 compact, and may receive and utilize the same subject to the terms,
227 conditions and regulations governing such donations, gifts and grants.

228 ARTICLE XIII

229 Nothing in this compact shall be construed to authorize or permit

230 any member state to curtail or diminish its forest fire fighting forces,
231 equipment, services or facilities, and it shall be the duty and
232 responsibility of each member state to maintain adequate forest fire
233 fighting forces and equipment to meet normal demands for forest fire
234 protection within its borders.

235 Nothing in this compact shall be construed to limit or restrict the
236 powers of any state ratifying the same to provide for the prevention,
237 control and extinguishment of forest fires, or to prohibit the enactment
238 or enforcement of state laws, rules or regulations intended to aid in
239 such prevention, control and extinguishment in such state.

240 Nothing in this compact shall be construed to affect any existing or
241 future cooperative relationship or arrangement between the United
242 States Forest Service and a member state or states.

243 ARTICLE XIV

244 This compact shall continue in force and remain binding on each
245 state ratifying it until the legislature or the governor of such state takes
246 action to withdraw therefrom. Such action shall not be effective until
247 six months after notice thereof has been sent by the chief executive of
248 the state desiring to withdraw to the chief executives of all states then
249 parties to the compact.

250 Sec. 2. Subsection (c) of section 23-65h of the general statutes is
251 repealed and the following is substituted in lieu thereof (*Effective from*
252 *passage*):

253 (c) An application for the certification as a forest practitioner shall
254 be made to the Commissioner of Energy and Environmental Protection
255 and shall contain such information regarding the applicant's
256 qualifications and proposed operations and other relevant matters as
257 the commissioner deems necessary.

258 (1) The commissioner shall require the applicant for forester
259 certification to demonstrate, upon examination, that he possesses
260 adequate knowledge concerning the proper application of forest

261 management techniques, the ecological and environmental
262 consequences of harvesting activity and mitigating measures to be
263 employed to minimize possible adverse impacts on environmental
264 conditions within the harvest area.

265 (2) The commissioner shall require the applicant for supervising
266 forest products harvester certification to demonstrate, upon
267 examination, that [he] the applicant possesses adequate knowledge
268 concerning techniques and procedures normally employed in the
269 conduct and supervision of a harvest operation, the safe and
270 environmentally responsible operation of harvesting equipment, and
271 mitigating measures to be employed to minimize possible adverse
272 impacts of harvesting activity on environmental conditions within the
273 harvest area.

274 (3) The commissioner shall require the applicant for forest products
275 harvester certification to demonstrate, upon examination, that [he] the
276 applicant possesses adequate knowledge concerning techniques and
277 procedures normally employed in the conduct of a harvest operation
278 and the safe and environmentally responsible operation of harvesting
279 equipment, except that an applicant who demonstrates to the
280 satisfaction of the commissioner that [he] the applicant has engaged in
281 commercial forest practices at least once per year for the ten years
282 immediately preceding October 1, 1991, shall be exempt from such
283 examination requirement.

284 (4) (A) If the commissioner finds that the applicant is competent
285 with respect to the required qualifications, including those provided in
286 section 23-65o, [he] the commissioner shall certify the applicant to
287 perform such forest practices as appropriate to the requested
288 certification. The certification shall be valid for a period not to exceed
289 five years and may be renewed by the commissioner with or without
290 further examination. The commissioner may establish regulations for
291 forest practitioner certification so that one-fifth of the certificates expire
292 each year. The commissioner may certify a forest practitioner for less
293 than five years and prorate the registration fee accordingly to

294 implement the regulations established pursuant to this subsection.

295 (B) Notwithstanding the provisions of subparagraph (A) of this
296 subdivision, the commissioner may grant a sixty-day extension for any
297 forest practitioner who failed to submit a complete application for
298 renewal prior to the expiration date of such forest practitioner's
299 certification. Such forest practitioner shall submit a complete
300 application for renewal within such sixty-day extension period. Any
301 renewed certification issued by the commissioner pursuant to this
302 subparagraph shall not require reexamination by such forest
303 practitioner prior to such issuance but shall require the submission of
304 an additional fee, as determined by the commissioner.

305 (5) If the commissioner finds that the applicant is not competent
306 with respect to the requirements for the requested certification, the
307 commissioner shall refuse to issue the applicant a certificate. The
308 commissioner shall inform the applicant of the refusal in writing,
309 giving the reasons for such refusal. Any person aggrieved by such
310 refusal may, within thirty days from date of issuance of such denial,
311 request a hearing before the commissioner, which hearing shall be
312 conducted in accordance with chapter 54.

313 (6) The commissioner may certify without examination any person
314 who is certified: [in] (A) In another state under a law which provides
315 substantially similar qualifications for certification and which grants
316 similar privileges of certification without examination to residents of
317 this state certified under the provisions of this section, or (B) through
318 examination by the Society of American Foresters, or a similar
319 organization, that provides substantially similar qualifications for
320 certification provided such person can demonstrate knowledge of the
321 forestry laws of this state to the commissioner's satisfaction.

322 (7) The commissioner may, by regulation, adopted in accordance
323 with the provisions of chapter 54, prescribe fees for applicants to
324 defray the cost of administering examinations and carrying out the
325 provisions of this chapter. A state or municipal employee who engages
326 in activities for which certification is required by this section solely as

327 part of his employment shall be exempt from payment of a fee. Any
328 certificate issued to a state or municipal employee for which a fee has
329 not been paid shall be void upon termination of such government
330 employment.

331 (8) The commissioner may require the display of a decal or other
332 evidence, indicating that a commercial forest practitioner has met the
333 requirements of sections 23-65f to 23-65o, inclusive, in a prominent
334 place on any licensed motor vehicle used in the practitioner's
335 operations. A fee may be charged to the certified practitioner to cover
336 the cost of the decal or other evidence.

337 (9) The commissioner shall require all forest practitioners certified
338 under sections 23-65f to 23-65o, inclusive, to participate [biennially] in
339 a relevant program of professional education to improve or maintain
340 professional forestry skills that is sponsored by the Department of
341 Energy and Environmental Protection, the New England Society of
342 American Foresters, The University of Connecticut, Yale University or
343 the Connecticut cooperative extension system, or participation in
344 another program approved by the department.

345 Sec. 3. Section 23-65i of the general statutes is repealed and the
346 following is substituted in lieu thereof (*Effective from passage*):

347 (a) Each certified forester, except any state employee who engages
348 in activities regulated by sections 23-65f to 23-65o, inclusive, solely as
349 part of his employment, shall submit an annual report to the
350 Commissioner of Energy and Environmental Protection on or before
351 June first of each year in a form prescribed by the commissioner. Such
352 report shall include, but not be limited to, the following information:

353 (1) The number of forest management plans completed and acres
354 covered by said plans;

355 (2) The number and type of timber stand improvements completed
356 and acres so improved;

357 (3) The number of acres planted in reforestation, afforestation and in

358 Christmas tree plantations;

359 (4) The number of commercial forest product sales, the total number
360 of acres harvested in such sales, the type and total volumes of products
361 generated by such sales and total annual expenditure for the purchase
362 of such sales;

363 (5) [Evidence] Attestation of [biennial] participation in a relevant
364 program of professional education to improve or maintain professional
365 forestry skills that is sponsored by the Department of Energy and
366 Environmental Protection, the New England Society of American
367 Foresters, The University of Connecticut, Yale University or the
368 Connecticut cooperative extension system, or participation in another
369 program approved by the department, provided proof of such
370 participation shall be furnished to the commissioner upon request; and

371 (6) Other information which the commissioner deems necessary.

372 (b) Each certified supervising forest products harvester shall be
373 required to submit an annual report to the Commissioner of Energy
374 and Environmental Protection on or before June first of each year in a
375 form prescribed by the commissioner. Such report shall include, but
376 not be limited to, the following information:

377 (1) The number of commercial forest product sales harvested, and
378 the type and total volumes of products generated by such sales;

379 (2) [Evidence] Attestation of [biennial] participation in a relevant
380 program of professional education to improve or maintain forest
381 products harvesting skills that is sponsored by the Department of
382 Energy and Environmental Protection, the New England Society of
383 American Foresters, the University of Connecticut, Yale University, the
384 Connecticut cooperative extension system or is otherwise approved by
385 the department, provided proof of such participation shall be
386 furnished to the commissioner upon request; and

387 (3) Other information which the commissioner deems necessary.

388 (c) All certified forest products harvesters shall be required to
389 submit to the Commissioner of Energy and Environmental Protection,
390 on or before June first of each year, annual reports in a form prescribed
391 by the commissioner. Such reports shall include, but not be limited to,
392 the following information:

393 (1) [Evidence] Attestation of [biennial] participation in a relevant
394 program of professional education to improve or maintain forest
395 products harvesting skills that is sponsored by the Department of
396 Energy and Environmental Protection, the New England Society of
397 American Foresters, The University of Connecticut, Yale University,
398 the Connecticut cooperative extension system or is otherwise
399 approved by the department, provided proof of such participation
400 shall be furnished to the commissioner upon request; and

401 (2) Other information the commissioner deems necessary.

402 Sec. 4. Subsection (f) of section 22a-54 of the general statutes is
403 repealed and the following is substituted in lieu thereof (*Effective from*
404 *passage*):

405 (f) (1) The commissioner may, by regulation adopted pursuant to
406 the provisions of chapter 54, prescribe fees for applicants to defray the
407 cost of administering examinations and assisting in carrying out the
408 purposes of section 22a-451, except the fees for certification and
409 renewal of a certification shall be as follows: [(1)] (A) For supervisory
410 certification as a commercial applicator, two hundred eighty-five
411 dollars; [(2)] (B) for operational certification as a commercial
412 applicator, eighty dollars, and [(3)] (C) for certification as a private
413 applicator, one hundred dollars. A federal, state or municipal
414 employee who applies pesticides solely as part of his employment
415 shall be exempt from payment of a fee. Any certificate issued to a
416 federal, state or municipal employee for which a fee has not been paid
417 shall be void if the holder leaves government employment. The fees
418 collected in accordance with this section shall be deposited in the
419 General Fund.

420 (2) The commissioner may renew any certification issued pursuant
421 to this section for the holder of a certification that has lapsed less than
422 sixty days provided the holder of such certification submits to the
423 commissioner a signed renewal application, payment of the applicable
424 renewal fee and any late fee. Such late fee shall be calculated as
425 follows: Beginning on the first day that such certification lapses, ten
426 per cent of the applicable renewal fee plus one and one-quarter per
427 cent per month, or part thereof, for a period not to exceed sixty days.
428 Any holder of a certification that has lapsed more than sixty days shall
429 be examined in accordance with the requirements of this section and
430 any regulation adopted pursuant to the provisions of this section.

431 Sec. 5. Subsection (j) of section 22-26cc of the general statutes is
432 repealed and the following is substituted in lieu thereof (*Effective from*
433 *passage*):

434 (j) The commissioner, when acquiring the development rights of any
435 agricultural lands on behalf of the state, may incorporate deed
436 requirements in accordance with the provisions of the federal Farm
437 and Ranch Lands Protection Program, 7 CFR 1491.1, et seq., or under
438 the Agricultural Conservation Easement Program, 7 CFR 1468.1, et
439 seq., or any successive federal farmland protection program.

440 Sec. 6. Subsection (k) of section 22-26nn of the general statutes is
441 repealed and the following is substituted in lieu thereof (*Effective from*
442 *passage*):

443 (k) The commissioner, when acquiring the development rights of
444 any agricultural lands on behalf of the state pursuant to this section,
445 may incorporate deed requirements in accordance with the provisions
446 of the federal Farm and Ranch Lands Protection Program, 7 CFR
447 1491.1, et seq., or under the Agricultural Conservation Easement
448 Program, 7 CFR 1468.1, et seq., or any successive federal farmland
449 protection program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	23-53
Sec. 2	<i>from passage</i>	23-65h(c)
Sec. 3	<i>from passage</i>	23-65i
Sec. 4	<i>from passage</i>	22a-54(f)
Sec. 5	<i>from passage</i>	22-26cc(j)
Sec. 6	<i>from passage</i>	22-26nn(k)

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Department of Agriculture	GF - Preclude Revenue Loss	Significant	Significant
Department of Energy and Environmental Protection	GF - Revenue Gain	Less than 15,000	Less than 15,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes several minor revisions and technical changes to various environmental protection and agricultural laws.

It makes technical changes to the Department of Agriculture (DoAg) farmland preservation and community farm programs, altering state statute to conform to federal regulation. This is anticipated to preclude a significant revenue loss to DoAg associated with federal farmland preservation funds. Currently, DoAg has cooperative agreements with the federal Department of Agriculture (USDA) of approximately \$14.5 million.

Also, the bill allows commercial foresters and pesticide applicators to submit certification renewals to the Department of Energy and Environmental Protection (DEEP) 60 days after their certification lapses, with submittal of a late fee.¹ The new late fee provision would result in a minimal revenue gain to DEEP, anticipated to be less than

¹ There are 544 forest practitioners and 9,262 pesticide applicators certified through DEEP.

\$15,000 in both FY 19 and FY 20.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the amount of fees.

OLR Bill Analysis**sSB 102*****AN ACT CONCERNING MINOR REVISIONS TO ENVIRONMENTAL PROTECTION AND AGRICULTURE-RELATED STATUTES.*****SUMMARY**

This bill does the following:

1. allows Connecticut to exchange forest fire protection and control resources with states beyond New England and New York;
2. authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to grant a 60-day extension to renew a commercial forest practitioner certification;
3. expands the commissioner's authority to certify certain forest practitioners without examination;
4. modifies the continuing professional education requirements for certified forest practitioners;
5. decreases annual continuing education reporting requirements for forest practitioners by allowing them to attest to, rather than provide evidence of, their participation; and
6. authorizes the commissioner to renew certifications for pesticide applicators whose certifications have lapsed for less than 60 days.

The bill also makes several technical changes, including updating two references to federal law in provisions on the farmland preservation and community farms programs.

EFFECTIVE DATE: Upon passage

FOREST FIRE PROTECTION AND CONTROL RESOURCES

The bill applies the Northeastern Interstate Forest Fire Protection Compact's provisions on interstate aid with aid to or from any state that belongs to a regional forest fire protection compact, as long as the other state's legislature agrees to the provisions. In doing so, it allows Connecticut to exchange forest fire protection and control resources with up to 43 other states. Members of the northeastern compact include the New England states and New York.

By law, the compact's interstate aid provisions seek to help control, combat, or prevent forest fires and address issues such as the powers and rights of responding forces, liability, and payment for services, among others.

FOREST PRACTITIONER CERTIFICATION***60-Day Extension for Renewals***

The bill allows the DEEP commissioner to grant a certified commercial forest practitioner a 60-day extension in which to submit a renewal application if he or she did not do so before the certification expired. A practitioner granted an extension must (1) submit a complete application within the 60-day period and (2) pay a fee in addition to the \$235 renewal fee (Conn. Agencies Regs. § 23-65h-1(r)). The bill specifies that the practitioner is not required to retake the certification examination.

By law, there are three classifications of certified forest practitioners: forester, supervising forest products harvester, and forest products harvester. Certifications must be renewed every four years (Conn. Agencies Regs. § 23-65h-1(k)).

Alternative Certification

The bill allows the DEEP commissioner to certify a forest practitioner without examination if he or she is certified through an examination given by the Society of American Foresters, or a similar organization. The commissioner may do this only if the (1) organization's certification qualifications are substantially similar to

Connecticut's and (2) practitioner can demonstrate knowledge of Connecticut's forestry laws to the commissioner's satisfaction.

The law already allows the commissioner to certify forest practitioners without examination if they are certified in another state with substantially similar certification qualifications and that state grants similar privileges to Connecticut residents.

Continuing Education for Forest Practitioners

By law, certified forest practitioners must participate in continuing education programs to improve or maintain their professional forestry skills.

Existing regulations provide that these practitioners must obtain continuing education credits, ranging from six to 12 credits depending on their level of certification, to renew their credential (Conn. Agencies Regs. § 23-65h-1(k) and (q)). The bill eliminates a requirement that practitioners participate in continuing education programs on a biennial basis, thus allowing them to fulfill their education requirements at any time during the four-year term.

The bill also requires certified forest practitioners to attest to, rather than provide evidence of, their participation in continuing education programs as part of their annual reports to DEEP on their forest practice activities. But practitioners must provide proof of participation in these programs if the commissioner requests it.

PESTICIDE APPLICATOR CERTIFICATION RENEWAL

The bill allows the DEEP commissioner to renew the certification of a pesticide applicator whose certification has lapsed for less than 60 days if the applicator (1) submits a signed renewal application and (2) pays both the renewal fee and any late fee. By law, renewal fees range from \$80 to \$285, depending on the level of certification. Under the bill, the late fee is equal to 10% of the renewal fee, plus 1.25% per month or part of a month for up to 60 days, dating from when the certification lapsed.

Under the bill, anyone whose certification lapses for more than 60 days must retake the examination. (The bill does not specify whether someone whose certification lapses for exactly 60 days must retake the examination.) By law, pesticide applicator certifications are valid for five years.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 30 Nay 0 (02/28/2018)